

Message Text

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TO SECSTATE WASHDC 1364

INFO AMEMBASSY KABUL

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AMCONSUL LAHORE

AMEMBASSY NEW DELHI

AMEMBASSY TEHRAN

C O N F I D E N T I A L ISLAMABAD 7078

E.O. 11652: GDS

TAGS: PINS, PK,

SUBJ: CONVICTION IN SHERPAO MURDER CASE

FOLLOWING RECEIVED FROM AMCONSUL PESHAWAR:

1. ON JULY 31, THE SPECIAL TRIBUNAL CONSISTING OF PESHAWAR HIGH COURT JUSTICE SHAHNAWAZ KHAN FOUND NISAR MOHAMMAD KHAN, ASFANDYAR WALI AND AHMAD FAROOQ GUILTY OF ARRANGING OF THE EXPLOSION AT PESHAWAR UNIVERSITY ON FEBRUARY 8, 1975, WHICH RESULTED IN THE DEATH OF NWFP SENIOR MINISTER HAYAT MOHAMMAD SHERPAO. ALL THREE RECEIVED SENTENCES OF 10 YEARS OF RIGOROUS IMPRISONMENT UNDER THE EXPLOSION SUBSTANCES ACT. IN ADDITION, ASFANDYAR WALI AND AHMAD FAROOQ WERE SENTENCED TO TERMS OF SEVEN YEARS EACH UNDER SECTION 43 OF THE DEFENSE OF PAKISTAN RULES. THSIR SENTENCES ARE TO RUNCONSECUTIVELY.

2. ACCORDING TO THE PRESS REPORTS, THE CONVICTION OF THE THREE MEN RELATES ONLY TO THE EXPLOSION ASPECT OF THE CASE AND NOT TO THE ACTUAL MURDER OF SHERPAO. A SEPARATE TRIAL WILL BE HELD FOR THIS

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PURPOSE. THE TWO YOUTHS ACCUSED OF ACTUALLY PLANT-

ING THE BOMB THAT KILLED SHERPAO REPORTEDLY FLED
TO AFGHANISTAN SEVERAL DAYS AFTER THE FATAL INCIDENT.

3. COMMENT: WHEN THE ORIGINAL CHARGES WERE DRAWN UP AGAINST
THE ACCUSED NISAR MOHAMMAD, A FORMER PAKISTAN
PEOPLE'S PARTY RIVAL OF SHERPAO'S IN THE NWFP, WAS
CHARGED WITH HAVING BEEN THE RINGLEADER IN THE PLOT.
ASFANDYAR WALI, SON OF NATIONAL AWAMI PARTY LEADER
WALI KHAN, AND AHMAD FAROOQ, A YOUTHFUL RELATIVE OF
NAP MPA LT. GENERAL (RET) MIAN GHULAM JILANI, WERE
CHARGED ONLY WITH HAVING ASSISTED NISAR IN THE VEN-
TURE. IT IS NOTEWORTHY NOW THAT JUSTICE SHAHNAWAZ
HAS GIVEN THE ALLEGED CHIEF CULPRIT IN THE CASE A
LESSER SENTENCE THAN HIS TWO HELPERS.

4. OPINION IN PESHAWAR HAS BEEN ALMOST UNANIMOUS IN
BELIEVING THAT THE GOVERNMENT'S CASE AGAINST THE
THREE ACCUSED WAS A VERY WEAK ONE. SEVERAL LAWYERS
WHO CLAIM TO KNOW A GOOD DEAL ABOUT THE CASE TOLD
PRINCIPAL OFFICER SEVERAL WEEKS AGO THAT JUSTICE
SHAHNAWAZ WOULD ONLY BE ABLE TO CONVICT IF HE WERE PREPARED
TO GO AGAINST NORMAL LEGAL PRACTICE AND
ACCEPT THE CONFESSIONS OF THE ACCUSED AS PROOF OF
THEIR GUILT.

5. CONVICTION WILL PROBABLY BE APPEALED TO THE
PESHAWAR HIGH COURT. DURING THE PAST SEVERAL MONTHS
SEVERAL OTHER SPECIAL TRIBUNAL CONVICTIONS WERE
APPEALED TO THE HIGH COURT AND THOSE CONVICTIONS
WHICH WERE BASED ONLY ON CONFESSIONS WERE REVERSED.
WHETHER HIGH COURT WILL TAKE SIMILAR POSITION IN THIS
HIGHLY POLITICAL CASE IS UNCERTAIN.
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